

## CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 229

Citations Affected: IC 34-28-7-2; IC 35-47.

Synopsis: Firearm matters. Conference committee report for ESB 229. Allows a firearm that may be destroyed to be sold to a salvage company and destroyed by dismantling the firearm for parts, scrap metal, or recycling, or for resale as parts for other firearms. Provides that a unit may conduct a firearms buyback program with private funds or grants. Establishes a procedure to permit certain individuals whose firearms have been retained by a law enforcement agency to have the firearms sold at auction and the proceeds, less the costs of sale, returned to the individual. Removes a provision from the law making possession of a firearm on property that is being used by a school for a school function a felony. Provides, for purposes of the law concerning possession of firearms on school property, that the law does not apply to certain students who are members of a shooting sports team or certain individuals who may legally possess a firearm and possess a firearm that is locked in the trunk of the person's motor vehicle, kept in the glove compartment of the person's locked motor vehicle, or stored out of plain sight in the person's locked motor vehicle. Specifies that the law concerning firearms in locked vehicles does not prohibit an employer from prohibiting an employee from possessing a firearm or ammunition at the employer's residence. Provides that the chapter concerning possession of firearms on school property and school buses does not apply to a person who may possess the firearm and possesses the firearm in a motor vehicle. Makes it a Class A misdemeanor if certain persons leave a firearm in plain view in a motor vehicle parked in a school parking lot. Removes a provision from the law concerning firearms in locked vehicles that allows a person to adopt or enforce an ordinance, a resolution, a policy or rule that prohibits an employee of the person from possessing a firearm or ammunition in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of: (1) student discipline laws concerning possession of firearms; or (2) the law concerning possession of firearms on school property and school buses. Provides that a person may adopt or enforce an ordinance, a resolution, a policy, or a rule that prohibits an employee from possessing a firearm or ammunition in a motor vehicle that is owned, leased, or controlled by a school or school district. (This conference committee report: (1) provides that a law enforcement agency may not sell a firearm to the general public if the firearm is unsafe to operate because it has been



damaged or altered; (2) provides that a law enforcement agency may sell certain firearms to a licensed firearms dealer for salvage or repair; (3) removes language allowing a law enforcement agency to retain a firearm that the law enforcement agency confiscated and issue the firearm to a law enforcement officer within the agency; (4) removes language allowing a law enforcement agency to trade in firearms for credit to purchase firearms or other items; (5) removes language that prohibits individuals convicted of a felony from obtaining the proceeds of the sale of a firearm that a law enforcement agency was ordered by a court to retain; (6) provides that the chapter concerning possession of firearms on school property and school buses does not apply to certain individuals who may legally possess a firearm; (7) removes the definition of school property for purposes of the chapter concerning possession of firearms on school property; (8) makes it a Class A misdemeanor if certain persons leave a firearm in plain view in a motor vehicle parked in a school parking lot; and (9) provides that certain former students are not immune from the law concerning possession of firearms on school property.)

Effective: July 1, 2014.



## **CONFERENCE COMMITTEE REPORT**

## **MADAM PRESIDENT:**

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 229 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

1	Delete everything after the enacting clause and insert the following:
2	SECTION 1. IC 34-28-7-2, AS AMENDED BY P.L.114-2012,
3	SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4	JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except
5	as provided in subsection (b), a person may not adopt or enforce an
6	ordinance, a resolution, a policy, or a rule that:
7	(1) prohibits; or
8	(2) has the effect of prohibiting;
9	an employee of the person, including a contract employee, from
10	possessing a firearm or ammunition that is locked in the trunk of the
11	employee's vehicle, kept in the glove compartment of the employee's
12	locked vehicle, or stored out of plain sight in the employee's locked
13	vehicle.
14	(b) Subsection (a) does not prohibit the adoption or enforcement of
15	an ordinance, a resolution, a policy, or a rule that prohibits or has the
16	effect of prohibiting an employee of the person, including a contract
17	employee, from possessing a firearm or ammunition:
18	(1) in or on school property, in or on property that is being used
19	by a school for a school function, or on a school bus in violation
20	of IC 20-33-8-16 or IC 35-47-9-2;
21	(2) (1) on the property of:

1	(A) a child caring institution;
2	(B) an emergency shelter care child caring institution;
3	(C) a private secure facility;
4	(D) a group home;
5	(E) an emergency shelter care group home; or
6	(E) an emergency sherter care group nome, or (F) a child care center;
7	in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465
8	IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470
9	IAC 3-4.7-19;
10	(3) (2) on the property of a penal facility (as defined in
11	IC 35-31.5-2-232);
12	(4) (3) in violation of federal law;
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	(5) (4) in or on property belonging to an approved postsecondary
14	educational institution (as defined in IC 21-7-13-6(b));
15	(6) (5) on the property of a domestic violence shelter;
16	(7) (6) at a person's the employer's residence;
17	(8) (7) on the property of a person that is:
18	(A) subject to the United States Department of Homeland
19	Security's Chemical Facility Anti-Terrorism Standards issued
20	April 9, 2007; and
21	(B) licensed by the United States Nuclear Regulatory
22	Commission under Title 10 of the Code of Federal
23	Regulations;
24	(9) (8) on property owned by:
25	(A) a public utility (as defined in IC 8-1-2-1) that generates
26	and transmits electric power; or
27	(B) a department of public utilities created under IC 8-1-11.1;
28	or
29	(10) (9) in the employee's personal vehicle if the employee,
30	including a contract employee, is a direct support professional
31	who:
32	(A) works directly with individuals with developmental
33	disabilities to assist the individuals to become integrated into
34	the individuals' community or least restrictive environment;
35	and
36	(B) uses the employee's personal vehicle while transporting an
37	individual with developmental disabilities.
38	SECTION 2. IC 35-47-3-2, AS AMENDED BY P.L.119-2012,
39	SECTION 167, IS AMENDED TO READ AS FOLLOWS
40	[EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section applies only to
41	firearms which are not required to be registered in the National
42	Firearms Registration and Transfer Record.
43	(b) Firearms shall be returned to the rightful owner at once
44	following final disposition of the cause if a return has not already
45	occurred under the terms of IC 35-33-5. If the rightful ownership is not
46	known the law enforcement agency holding the firearm shall make a
47	reasonable attempt to ascertain the rightful ownership and cause the
48	return of the firearm. However, nothing in this chapter shall be
49	construed as requiring the return of firearms to rightful owners who
50	have been convicted for the misuse of fireness. In such access the court

CC022910/DI 107 2014

have been convicted for the misuse of firearms. In such cases, the court

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1 may provide for the return of the firearm in question or order that the 2 firearm be at once delivered: 3 (1) except as provided in subdivision (2), to the sheriff's 4 department of the county in which the offense occurred; or 5 (2) to the city or town police force that confiscated the firearm. if: 6 (A) a member of the city or town police force confiscated the 7 firearm; and 8 (B) the city or town has a population of more than two 9 thousand five hundred (2,500) and less than six hundred 10 thousand (600,000). 11 (c) The receiving law enforcement agency shall dispose of firearms 12 under subsection (b), at the discretion of the law enforcement agency, 13 not more than one hundred twenty (120) days following receipt by use 14 of any of the following procedures: 15 (1) Public sale of the firearms to the general public as follows: (A) Notice of the sale shall be: 16 17 (i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and 18 19 (ii) advertised in the principal newspaper of the county for 20 two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale. 21 (B) Disposition of the firearm shall be by public auction in a 22 place convenient to the general public, with disposition going 23 to the highest bidder. However, no firearm shall be transferred 24 25 to any bidder if that bidder is not lawfully eligible to receive 26 and possess firearms according to the laws of the United States 27 and Indiana. 28 (C) All handguns transferred under this subdivision shall also 29 be transferred according to the transfer procedures set forth in 30 this article. 31 (D) Money collected pursuant to the sales shall first be used to 32 defray the necessary costs of administering this subdivision 33 with any surplus to be: 34 (i) deposited into the receiving law enforcement agency's 35 firearms training fund, if the law enforcement agency is a 36 county law enforcement agency, or into a continuing 37 education fund established under IC 5-2-8-2, if the law 38 enforcement agency is a city or town law enforcement 39 agency other appropriate training activities fund, or any 40 other fund that may be used by the receiving law enforcement agency for the purchase and maintenance 41 of firearms, ammunition, vests, and other law 42 43 enforcement equipment; and 44 (ii) used by the agency exclusively for the purpose of 45 training to train law enforcement officers in the proper use 46 of firearms or other law enforcement duties, and to 47 purchase and maintain firearms, ammunition, vests, and

CC022910/DI 107 2014

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other law enforcement equipment. if the law enforcement

agency is a county law enforcement agency, or for law

enforcement purposes, if the law enforcement agency is a

1 city or town law enforcement agency. 2 A law enforcement agency may not sell a firearm to the 3 general public if the firearm is unsafe to operate because it 4 has been damaged or altered. 5 (2) Sale of the firearms to a licensed firearms dealer as follows: 6 (A) Notice of the sale must be: 7 (i) posted for ten (10) days in the county courthouse in a 8 place readily accessible to the general public; and 9 (ii) advertised in the principal newspaper of the county for 10 two (2) days in an advertisement that appears in the 11 newspaper at least five (5) days before the sale. 12 (B) Disposition of the firearm shall be by auction with 13 disposition going to the highest bidder who is a licensed 14 firearms dealer. 15 (C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any 16 17 surplus shall be: (i) deposited into the receiving law enforcement agency's 18 19 firearms training fund, or other appropriate training 20 activities fund, or any other fund that may be used by the receiving law enforcement agency for the purchase and 21 22 maintenance of firearms, ammunition, vests, and other 23 law enforcement equipment; and 24 (ii) used by the agency exclusively for the purpose of 25 training to train law enforcement officers in the proper use 26 of firearms or other law enforcement duties, and to 27 purchase and maintain firearms, ammunition, vests, and 28 other law enforcement equipment. 29 A law enforcement agency may sell a firearm to a licensed 30 firearms dealer for salvage or repair, even if the firearm is 31 unsafe to operate because it has been damaged or altered. 32 (3) Sale or transfer of the firearms to another law enforcement 33 agency. 34 (4) Release to the state police department laboratory or other 35 forensic laboratory administered by the state or a political 36 subdivision (as defined in IC 36-1-2-13) for the purposes of 37 research, training, and comparison in conjunction with the 38 forensic examination of firearms evidence. 39 (5) Destruction of the firearms. A firearm that is to be 40 destroyed may be sold to a salvage company and destroyed by 41 dismantling the firearm for parts, scrap metal, or recycling, 42 or for resale as parts for other firearms. 43 (d) Notwithstanding the requirement of this section mandating 44 disposal of firearms not more than one hundred twenty (120) days 45 following receipt, the receiving law enforcement agency may at its 46 discretion hold firearms it may receive until a sufficient number has 47 accumulated to defray the costs of administering this section if a delay 48 does not exceed one hundred eighty (180) days from the date of receipt 49 of the first firearm in the sale lot. In addition, the receiving law 50 enforcement agency may, at its discretion, jointly sell firearms it 51 has received with another law enforcement agency, or permit

1 another law enforcement agency to sell firearms it has received on 2 behalf of the receiving law enforcement agency. In any event, all 3 confiscated firearms shall be disposed of as promptly as possible. 4 (e) When a firearm is delivered to the state police department 5 laboratory or other forensic laboratory under subsection (c)(4) and the 6 state police department laboratory or other forensic laboratory 7 determines the laboratory has no further need for the firearm in 8 question, the laboratory shall return the firearm to the law enforcement 9 agency for disposal under subsection (c). 10 SECTION 3. IC 35-47-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE 11 12 JULY 1, 2014]: 13 Chapter 3.5. Firearm Buyback Programs Prohibited 14 Sec. 1. This chapter applies to a unit (as defined in 15 IC 36-1-2-23), including a law enforcement agency of a unit. Sec. 2. As used in this chapter, "firearm buyback program" 16 17 means a program to purchase privately owned firearms from 18 individual firearm owners for the purpose of: 19 (1) reducing the number of firearms owned by civilians; or 20 (2) permitting civilians to sell a firearm to the government 21 without fear of prosecution. 22 The term does not include the purchase of firearms from a licensed 23 firearms dealer or a program to purchase firearms for law 24 enforcement purposes. 25 Sec. 3. A unit, including a law enforcement agency of a unit, may not conduct a firearm buyback program unless the firearm 26 27 buyback program is financed or funded with private funds or 28 grants, and not public funds. 29 Sec. 4. (a) A unit having possession of a firearm obtained from 30 a firearm buyback program shall transfer the firearm to a law 31 enforcement agency of the unit. 32 (b) A law enforcement agency of a unit that has possession of a 33 firearm obtained under subsection (a), or otherwise as the result of 34 a firearm buyback program, shall dispose of the firearm in 35 accordance with IC 35-47-3. 36 SECTION 4. IC 35-47-9-1, AS AMENDED BY P.L.172-2013, 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 38 JULY 1, 2014]: Sec. 1. (a) This chapter does not apply to the 39 following: 40 (1) A: 41 (A) federal; 42 (B) state; or 43 (C) local; 44 law enforcement officer. 45 (2) A person who may legally possess a firearm and who has been authorized by: 46 47 (A) a school board (as defined by IC 20-26-9-4); or

to carry a firearm in or on school property.

under IC 20-24;

(B) the body that administers a charter school established

(3) Except as provided in subsection (b) or (c), a person who:

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1	(A) may legally possess a firearm; and
2	(B) possesses the firearm in a motor vehicle. that is being
3	operated by the person to transport another person to or from
4	a school or a school function.
5	(4) A person who is a school resource officer, as defined in
6	IC 20-26-18.2-1.
7	(5) Except as provided in subsection (b) or (c), a person who:
8	(A) may legally possess a firearm; and
9	(B) possesses only a firearm that is:
10	(i) locked in the trunk of the person's motor vehicle;
11	(ii) kept in the glove compartment of the person's locked
12	motor vehicle; or
13	(iii) stored out of plain sight in the person's locked motor
14	vehicle.
15	(b) For purposes of subsection (a)(3) and (a)(5), a person does
16	not include a person who is:
17	(1) enrolled as a student in any high school except if the
18	person is a high school student and is a member of a shooting
19	sports team and the school's principal has approved the
20	person keeping a firearm concealed in the person's motor
21	vehicle on the days the person is competing or practicing as a
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23	member of a shooting sports team; or
24	(2) a former student of the school if the person is no longer
25	enrolled in the school due to a disciplinary action within the
26	previous twenty-four (24) months. (c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle
2. <b>D</b>	(c) For hirroses of subsection (a)(3) and (a)(5), a motor vehicle
27	does not include a motor vehicle owned, leased, or controlled by a
27 28	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the
27 28 29	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a
27 28 29 30	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.
27 28 29 30 31	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013,
27 28 29 30 31 32	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION
27 28 29 30 31 32 33	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
27 28 29 30 31 32 33 34	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be
27 28 29 30 31 32 33 34 35	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be
27 28 29 30 31 32 33 34 35 36	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who
27 28 29 30 31 32 33 34 35 36 37	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:
27 28 29 30 31 32 33 34 35 36 37 38	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or
27 28 29 30 31 32 33 34 35 36 37 38 39	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school
27 28 29 30 31 32 33 34 35 36 37 38 39 40	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus;
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus; commits a Class D Level 6 felony.
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus; commits a Class D Level 6 felony.  (b) It is a defense to a prosecution under subsection (a) that:
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus; commits a Class D Level 6 felony.
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27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus; commits a Class D Level 6 felony.  (b) It is a defense to a prosecution under subsection (a) that:  (1) the person is permitted to legally possess the firearm; and
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus; commits a Class D Level 6 felony.  (b) It is a defense to a prosecution under subsection (a) that:  (1) the person is permitted to legally possess the firearm; and (2) the firearm is:
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus; commits a Class D Level 6 felony.  (b) It is a defense to a prosecution under subsection (a) that:  (1) the person is permitted to legally possess the firearm; and (2) the firearm is:  (A) locked in the trunk of the person's motor vehicle;
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus; commits a Class D Level 6 felony.  (b) It is a defense to a prosecution under subsection (a) that:  (1) the person is permitted to legally possess the firearm; and (2) the firearm is:  (A) locked in the trunk of the person's motor vehicle; (B) kept in the glove compartment of the person's locked
27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48	does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.  SECTION 5. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:  (1) in or on school property; or  (2) in or on property that is being used by a school for a school function; or  (3) (2) on a school bus; commits a Class D Level 6 felony.  (b) It is a defense to a prosecution under subsection (a) that:  (1) the person is permitted to legally possess the firearm; and (2) the firearm is:  (A) locked in the trunk of the person's motor vehicle; (B) kept in the glove compartment of the person's locked motor vehicle; or

who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

SECTION 6. IC 35-47-14-9, AS ADDED BY P.L.1-2006, SECTION 537, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. If at least five (5) years have passed since a court conducted the first hearing to retain a firearm under this chapter, the court, after giving notice to the parties and conducting a hearing, may order the law enforcement agency having custody of the firearm to destroy or otherwise permanently dispose of the firearm in accordance with IC 35-47-3.

SECTION 7. IC 35-47-14-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) If a court has ordered a law enforcement agency to retain an individual's firearm under section 6 of this chapter, the individual may request the court to order the law enforcement agency to sell the firearm at auction under IC 35-47-3-2 and return the proceeds to the individual.

- (b) An individual may make the request described in subsection (a):
  - (1) at the retention hearing described in section 9 of this chapter; or
  - (2) at any time before the retention hearing described in section 9 of this chapter is held.
- (c) If an individual timely requests a sale of a firearm under subsection (a), the court shall order the law enforcement agency having custody of the firearm to sell the firearm at auction under IC 35-47-3-2, unless the serial number of the firearm has been obliterated.
- (d) If the court issues an order under subsection (c), the court's order must require:
  - (1) that the firearm be sold not more than one (1) year after receipt of the order; and
  - (2) that the proceeds of the sale be returned to the individual who owns the firearm. However, the law enforcement agency may retain not more than eight percent (8%) of the sale price to pay the costs of the sale, including administrative costs and the auctioneer's fee.

(Reference is to ESB 229 as printed February 25, 2014.)

## Conference Committee Report on Engrossed Senate Bill 229

igned by:

Senator Tomes
Chairperson

Representative Eberhart

Senator Hershman

Representative Mayfield

Senate Conferees

House Conferees